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In re Patent Application of

Atty SCS-550-526

Dkt.

C# M#

WRIGLEY et al

TC/A.U.

2187

Serial No. 10/779,807

Examiner: E. Unelus


Filed: February 18, 2004

Date: March 7, 2007

Title: DIRECT ACCESS MEMORY CONTROL

**RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES
FACSIMILE CERTIFICATE**

I hereby certify that this Petition to the Commissioner and Request for Reconsideration are being transmitted by facsimile to the Patent and Trademark Office on March 7, 2007, specifically to 571-273-8300.


Signature
Stanley C. Spooner
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 7 pages

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 32 minus highest number
previously paid for 32 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 4 minus highest number
previously paid for 4 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add
\$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: Petition fee (fee code 1464) \$ 130.00

TOTAL FEE ENCLOSED \$ 130.00

The Commissioner is hereby authorized to charge the above-noted fee(s), any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WRIGLEY et al

Atty. Ref.: 550-526; Confirmation No. 6827

Appl. No. 10/779,807

TC/A.U. 2187

Filed: February 18, 2004

Examiner: E. Unelus

For: DIRECT ACCESS MEMORY CONTROL

* * * * *

March 7, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO THE COMMISSIONER

Applicants respectfully request that the Commissioner reverse the Examiner's holding that claim 13 is not generic of more than one species.

The Examiner's contentions with respect to the restriction requirement is again traversed, as is the Examiner's contention that there is no "generic" claim. The Commissioner's attention is directed to claim 13 (with structures labeled with numbers from Figures 3, 5, 7 & 8) which is reproduced below:

A direct memory access controller (40) for controlling data transfer between a data source (10) and a data destination (20) comprising:

a single read/write port (47) comprising a read channel (47a) operable to receive data from said data source via a read path (33) on a bus (32) and a write channel (47c) operable to output said received data to said data destination (20) via a write path (35) on

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said bus (32), said read and write channel being operable to perform data reads and writes independently of each other.

By reviewing the above independent claim 13 and Figures 3, 5, 7 and 8 in Applicants' specification, it will be seen that every element and every recited interrelationship in claim 13 is disclosed in each of Figures 3, 5, 7 and 8. While there are differences between the figures, those differences are not recited in Claim 13 and therefore claim 13, as a matter of patent law, must be considered generic to the alleged different species in the four figures.

While the Examiner contends that the existence of a register bank, whether or not a register bank exists in the figures, requires that the figures relate to different species, it is clear that claim 13, not claiming a specific "register bank," is not limited to any one figure and therefore is generic to all four figures. Thus, it is respectfully requested that the Commissioner, as a minimum, confirm that claim 13 is a generic claim and, if allowable, will result in the examination of a reasonable number of species, i.e., those disclosed in Applicants' figures, i.e., Species I-III disclosed in Figures 3, 5, 7 and 8.

The Examiner's rebuttal in the final rejection indicating that his decision is mandated by the Manual Of Patent Examining Procedures (MPEP) §806.04(d) is misplaced. The Examiner correctly reads the MPEP as stating that a generic claim should "read on each of these views." However, the Examiner then fails to indicate how alleged generic claim 13 does not read on the views of Figures 3, 5, 7 and 8. Whether it reads on Figure 9 is of no consequence as, if it reads on Figures 3, 5, 7 and 8, it is generic to those figures and claims readable thereon.

Additionally, the Examiner is reading limitations into claim 13 that are not included therein. For example, he suggests that claim 13 can't read on claim 1 because "claims 13 and 28 require one bus [and] claim 1 requires two different buses." The plain language of claim 13 is

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that it requires, as a minimum, one bus but does not preclude a second bus. Where does the claim specify only one bus? It doesn't and the Examiner is reading non-existent limitations into the claim.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 13 and 28 are generic to Applicants' claimed apparatus and method and these claims, and all claims dependent thereon, are clearly patentable over the only cited reference and notice to this effect is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of these claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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Reg. No. 27,393

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